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In re Application of ARAP et al :
U.S. Application No.: 10/530,168 :
PCT Application No.: PCT/US02/34987 :
Int. Filing Date: 30 October 2002 :
Priority Date Claimed: 30 August 2002 :
Attorney Docket No.: UTSC.857US :
For: COMPOSITIONS AND METHODS OF USE :
OF TARGETING PEPTIDES FOR :
DIAGNOSIS AND THERAPY OF HUMAN :
CANCER :
: DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 04 April 2005.

BACKGROUND

On 30 October 2002, applicant filed international application PCT/US02/34987, which claimed priority of an earlier United States application filed 30 August 2002. The thirty-month period for paying the basic national fee in the United States expired on 28 February 2005.

International application PCT/US02/34987 became abandoned as to the United States for failure to timely pay the basic national fee.

On 04 April 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has not provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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